

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

CENTER ON RACE, POVERTY, & THE
ENVIRONMENT,

No. C 12-5074 LB

Plaintiff,

ORDER RE VAUGHN INDEX

v.

UNITED STATES ENVIRONMENTAL
AGENCY, et al.,

Defendants.

The court held a case management conference on August 21, 2014 to address the parties' disagreements about the *Vaughn* index process. The court rules as follows.

As to the 675 documents produced in redacted form, Defendant must sample 10 percent, and Plaintiff may pick an additional 40 documents. The parties should confer about how that will work, but one idea is for Defendant to identify its 10 percent by September 5, 2014, and Plaintiff to pick the additional 40 by September 10, 2014. The *Vaughn* index for these documents must be completed by September 30, 2014.

As to the fully-withheld documents, there are 7,648. The court will allow sampling. The court directed the government to confer with Deloitte and Touche to see whether the withheld documents exist in any subcategories that would lend themselves to sampling by category. For example,

1 custodians may afford a means of segregating documents in a way that makes sampling more
2 meaningful. The government should inform Plaintiff as soon as possible and in any event no later
3 than September 5, 2014 about whether the withheld documents fall into such subcategories. If they
4 do not, then the court orders sampling of the entire 7,648 documents. Either way, the sampling
5 percent is one percent. The government must provide a timeline for completion of the index to
6 Defendants no later than September 5, 2014. If it is later than November 30, 2014, then the parties
7 must seek further intervention from the court.

8 **IT IS SO ORDERED.**

9 Dated: August 26, 2014



LAUREL BEELER
United States Magistrate Judge